

ECONOMICS OF INTELLECTUAL PROPERTY

Professor Suzanne Scotchmer

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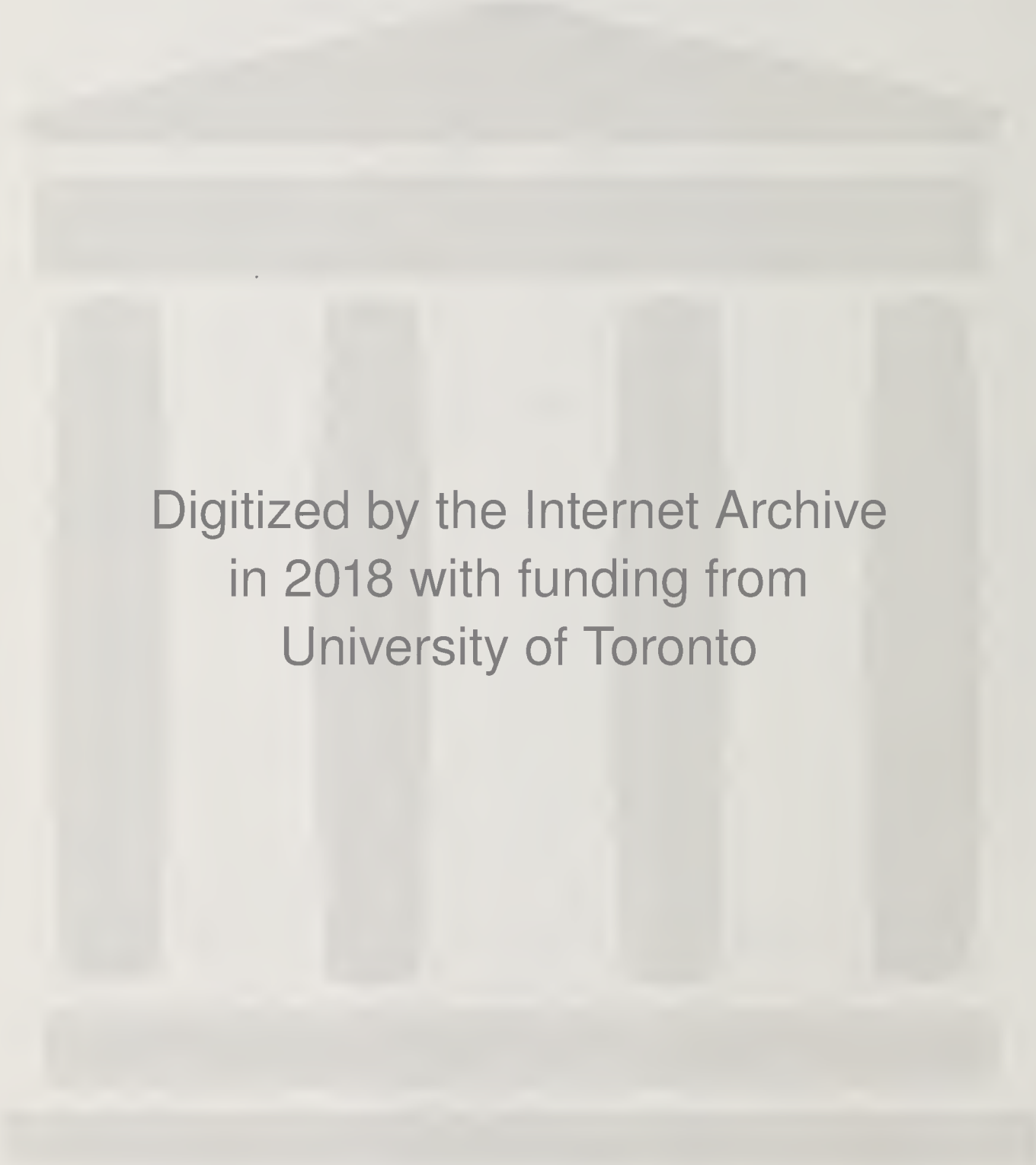
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The Economics of Intellectual Property
Suzanne Scotchmer
September 20 - October 1, 1993
University of Toronto Law School

Sept. 20: Overview of Patent Law

excerpts from Introduction to Intellectual Property, Mark Lemley, Manuscript, Boalt Hall, University of California, Berkeley, 1993
Overview of Patents, Infringement, Remedies

Excerpt (pp. 12-15) from "Uncertainty and the Standard of Patentability", Robert Merges, High Technology Law Journal 1993

Sept. 21-22: Patent race inefficiencies: Monopoly distortions and incentives to invest.
Y. Barzel, Rev. of Econ. and Stat., 1968, Optimal Timing of Innovations
F. M. Scherer, AER 1972, 422-31, Nordhaus Theory of Optimal Patent Life:
A Geometric Renterpretation, with reply by Nordhaus
J. Reinganum, AER Papers and Proceedings, May 1984, pp 61-66.
E. Kitch, J. of Law and Economics 1977, 265-290, The Nature and Function of the Patent System

Sept. 22: The interaction between patent length and patent breadth in the case of single innovations. I will discuss (intuitively) the following articles, which are too technical to include in the readings
P. Klemperer, Rand Journal of Economics spring 1990, 113-130, How broad should the scope of patent protection be? (Don't read the details.)
R. Gilbert and C. Shapiro, Rand Journal of Economics, 1990, 106-112, Optimal patent length and beradth

Sept. 23: The problem of wasteful "inventing around"

N. Gallini, The Rand Journal of Economics, Spring 1992, 52-63, Patent Policy and Costly Imitation

Sept. 24&27: The Problem of Cumulative Research

S. Scotchmer, Journal of Economics Perspectives, Winter 1991, 29-41, Standing on the Shoulders of Giants: Cumulative Research and the Patent Law
R. Merges and R. Nelson, On Limiting or encouraging rivalry in technical progress: The effect of patent scope decisions (pp 1-3, 17-51)
J. Green and S. Scotchmer, On the Division of Profit in Sequential Innovation
S. Scotchmer, On Protecting Early Innovators: Should Second Generation Products be Patentable? (to page 11)

Sept. 28-29: Copyright Law, especially regarding computer software
Overview, M. Lemley, Introduction to Intellectual Property, p. 1-21

W. Landes and R. Posner, J. of Legal Studies June 1989, 325-364, An economic analysis of copyright law

P. S. Menell, Protection for Non-Literal Elements of Program Code, discussing Whelan v. Jaslow with reference to Baker v. Selden.

(To be included in Intellectual Property in the New Technological Age by M. Lemley, P. Menell, R. Merges, and T. Jorde.

Lotus Development Corp. v. Paperback Software International, 740 F.Supp.37 (D.Mass.1990)

(The following is a more complete discussion, but not included in the readings:)

P. Menell, Stanford Law Review May 1989, 1045-1104, An analysis of the scope of copyright protection for application programs.

Sept. 30: Fair Use. Why should there be exemptions?

The following case and excerpt are photocopied from M. Lemley, Introduction to Intellectual Property, manuscript, U.C., Berkeley, Boalt Hall

Sony Corporation of America et al v. Universal City Studios, Inc., et al

excerpt from W. Gordon, 82 Columbia Law Review, Fair Use as market Failure: A Structural and Economic Analysis.

Oct. 1: Trade Secrets: How does this form of protection change the importance of other forms, and is it a good alternative?